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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,376	03/12/2004	Dinendra V. Joshi	SLX-001	8874
7590 William L. Botjer PO Box 478 Center Moriches, NY 11934			EXAMINER CHEN, TE Y	
			ART UNIT 2161	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,376

Applicant(s)

JOSHI ET AL.

Examiner

Susan Y. Chen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

This office action is in response to the Election/Restriction filed on Nov. 29, 2006. The examiner agrees with applicant's arguments of the restrictions, hence, withdrawn the restriction on record and the entire set of claims (i.e., claims 1-19) will be examined as following.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-19, are rejected under 35 U.S.C. § 101, *because* the claimed invention is directed to non-statutory subject matter.

As to claims 18-19, the claimed computer program product is not physically embodied in any physical storage device that is executable by a computer, hence, it does not appear to fall within the statutory category of invention of a manufacture and is directed to non-statutory subject matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 12-16 and 18, are rejected under 35 U.S.C. 102(b) as being anticipated by Horowitz et al. (U.S. Patent No. 6,349,290).

As to claims 1, 7, 9, and 18, Horowitz et al. (hereinafter referred as Horowitz) discloses the claimed method, comprising:

- a. identifying the mode in which access to the plurality of data sources is required, the mode being either simultaneous or independent access to the data sources [e.g., col. 34, lines 20-43];
- b. receiving a data query, the data query being a single request for data access [e.g., col. 25, lines 10-41];
- c. converting the query to a format capable of facilitating access to disparate data sources in accordance with the identified mode of data access [e.g., col. 3, line 58- col. 4, line 58, Fig. 12 and associated texts];
- d. routing the converted query to the plurality of data sources [e.g., col. 13, lines 38-42, Fig. 32 and associated texts]; and

e. retrieving data from the plurality of data sources in response to the routed query [e.g., col. 32, lines 14-24];

f. presenting the data retrieved from the disparate sources in an integrated format [e.g., col. 26, lines 44-56];

g. integrating the query results from the current and archive databases [e.g., col. 26, line 66 – col. 27, line 9, Fig. 7 and associated texts].

As to claims 2 and 10, the combined system of Horowitz and Dessloch further discloses the step of receiving the responsibility assumed by a user, the responsibility indicating user preference with respect to data access, the user preference being either to simultaneously access the data sources or independently access at least one of the data sources [e.g., Fig. 23 and associated texts].

As to claims 3 and 8, the combined system of Horowitz and Dessloch further discloses the received data query is a SQL statement [e.g., col. 35, lines 59-62].

As to claim 4, the combined system of Horowitz and Dessloch further discloses the data sources are relational databases, data items in each relational database having multiple attributes and relationships with other data items of the database [e.g., col. 36, lines 22-23].

As to claim 12, the combined system of Horowitz and Dessloch further discloses the current database having live data stored in it [e.g., col. 4, lines 54-58, col. 36, lines 1-4, Units: 66, 44, Fig. 7].

As to claim 13, the combined system of Horowitz and Dessloch further discloses the archive database having historical data stored in it [e.g., col. 4, lines 48-53, col. 36, lines 1-4, Units: 68, 44, Fig. 7].

As to claims 14-16, these claims recite the same features as claims 1-13 in form of enterprise application with different words, hence are rejected for the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 11, 17 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. (U.S. Patent No. 6,349,290) in view of Dessloch et al. (U.S. Patent No. 6,901,409).

As to claims 5, 11, 17 and 19, Horowitz further discloses the steps of:

a. constructing a plurality of new queries, each new query corresponding to at least one data source as specified for access in accordance with the user responsibility, the new query being capable of extracting data from the corresponding data source [e.g., col. 3, lines 58- col. 4, lines 58, Fig. 12 and associated texts].

Horowitz does not explicitly recite the step of integrating the newly constructed queries to form a union query.

However, Dessloch et al. (herein after referred as Dessloch) explicitly cites the step of integrating the newly constructed queries to form a union query [e.g., col. 4, lines 57- col. 5, line 63].

Horowitz and Dessloch are both of the same endeavors to optimize seamless access to a plurality of disparate data sources via a single data object [e.g., the token processing of Horowitz, the abstract & Fig. 1 of Dessloch], thus, with the teachings of Horowitz and Dessloch in front of him/her, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to incorporate the well known integrating technique into Horowitz's system, because by doing so, as suggested by Dessloch the combined system would be upgraded to "provide a method and a system which can map disparate data residing in multiple data sources into a single, reusable software component, accessible to application developers. This would simplify the design, development, and maintenance of applications and, in some cases, provide applications with a function that would otherwise be inaccessible" [e.g., col. 2, lines 63 – col. 3, lines 2].

As to claim 6, since the claimed "a UNION ALL SQL statement" is a conventional statement of SQL, thus, the Office will not given patentable weight for it.

Conclusion

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Prompt et al. (U.S. Patent No. 6,985,905) which discloses a system includes methods for providing access to databases via directories and other hierarchical structures and interfaces.

Maes (U.S. Pub. No. 2005/0009517) which discloses roaming across different access mechanisms and network technologies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

Art Unit: 2161

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
Art Unit 2161



January 15, 2007